

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE BAYOU HEDGE FUND INVESTMENT  
LITIGATION

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: 06 MD 1755 (CM)  
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THIS DOCUMENT RELATES TO:  
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SOUTH CHERRY STREET, LLC,  
  
Plaintiff,

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: No.: 06-cv-02943 (CM)  
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vs.

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: NOTICE OF MOTION  
: TO DISMISS COMPLAINT  
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:

HENNESSEE GROUP LLC,  
ELIZABETH LEE HENNESSEE and  
CHARLES GRADANTE

Defendants.

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: **Electronically Filed**  
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TO: Ted Poretz, Esq.  
Bingham McCutchen LLP  
399 Park Avenue  
New York, NY 10022-4689  
Attorneys for Plaintiff South Cherry Street, LLC

SIRS:

PLEASE TAKE NOTICE that on the Declaration of Matthew Wolper, the document attached thereto, the Declaration of Charles Gradante, the documents attached thereto and accompanying Brief, the undersigned, attorneys for Defendants, Hennessee Group LLC, Charles Gradante and Elizabeth Lee Hennessee, will move this Court before the Honorable Colleen McMahon, U.S.D.J. at the United States District Court for the Southern District of New York

located at 500 Pearl Street, New York, New York 10007 for an Order dismissing the Complaint against the Defendants pursuant to Rules 9(b) and 12(b)(6), Federal Rules of Civil Procedure.

Dated: January 31, 2007

BRESSLER, AMERY & ROSS, P.C.  
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Attorneys for Defendants  
Hennessee Group LLC,  
Elizabeth Lee Hennessee and  
Charles Gradante

By: \_\_\_\_\_/s/\_\_\_\_\_  
Lawrence E. Fenster (LF 9378)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2007, a copy of the *Notice of Motion to Dismiss Complaint* was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

\_\_\_\_\_/s/  
Matthew C. Plant (MP 0328)